

1636/1636



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(Modified) PTO/SB/21 (6-98)
Approved for use through 09/30/2000. OMB 0651-0031
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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number

09/396,539

Filing Date

September 14, 1999

First Named Inventor

Peter Palese

Group Art Unit

1636

Examiner Name

T. McKelvey

Total Number of Pages in This Submission

Attorney Docket Number

26-003700US

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ENCLOSURES (check all that apply)

- ☐ Fee Transmittal Form
- ☐ Fee Attached
- ☒ Amendment / Response
 - ☐ After Final
 - ☐ Affidavits/declaration(s)
- ☒ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☒ Copy of Notice to Comply
- ☐ Copy of Response to Missing Parts
- ☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

- ☐ Assignment Papers (for an Application)
- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition Routing Slip (PTO/SB/69) and Accompanying Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☒ Diskette
- ☒ Sequence Listing

- ☐ After Allowance Communication to Group
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
- ☐ Proprietary Information
- ☐ Status Letter
- ☒ Additional Enclosure(s) (please identify below):
 - receipt acknowledgment postcard

Authorization to Charge Deposit Account

Please charge Deposit Account No. 50-0893 for any additional fees associated with this paper or during the pendency of this application, including any extensions of time for consideration of the documents enclosed.

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name

Jonathan Alan Quine, Reg. No. 41,261, Quine Intellectual Property Law Group P.C.

Signature

Jonathan Alan Quine

Date

January 2, 2003

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: January 2, 2003

Typed or printed name

Juliana Hermes

Signature

Juliana Hermes

Date

January 2, 2003



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/396,539	09/14/1999	PETER PALESE	7682-048	7591

7590 08/08/2002
PENNIE & EDMONDS
1155 AVENUE OF THE AMERICAS
NEW YORK, NY 100362711

EXAMINER

MCKELVEY, TERRY ALAN

ART UNIT	PAPER NUMBER
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1636

DATE MAILED: 08/08/2002

19

REFERRED TO *Mark*
REC'D
AUG 14 2002
Pennie & Edmonds
O.K. for filing

Sequence Listing 9/8/02

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO/ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

The reply filed on 5/23/02 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): the applicant has not fully complied with the requirements of the sequence rules (37 CFR 1.821-1.825) as required in the communication filed 11/23/01 and the office action filed 12/19/00.

For example, at page 73, SEQ ID NO:62 is set forth as indicated by the amendment to the specification at that page filed 6/19/01. A spot-check of the paper sequence listing filed 5/23/02 determined that the SEQ ID NO:62 in the paper sequence listing is not the same as the sequence set forth as SEQ ID NO:62 at page 73. (It looks like part of the sequence was simply entered wrong in the paper sequence listing and presumably CRF (part of the underlined sequence) and part of the sequence was derived from the sequence immediately below the sequence, which appears to be part of SEQ ID NO:21). The sequence identifiers of SEQ ID NOS:62 and 21 need to be corrected to clearly indicate which sequences they correspond to, and the correct sequences set forth in both the paper sequence listing and CRF.

The whole application must be reviewed for proper sequence compliance and corrected to bring the application into compliance with the sequence rules.

See 37 CFR 1.111. Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Terry A. McKelvey
Primary Examiner
Art Unit: 1636